

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CHEYNNE CHONG,

Plaintiff,

v.

CREDIT CONTROL LLC,

Defendant.

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No. 4:23-CV-131-PLC

**MEMORANDUM AND ORDER**

Self-represented plaintiff Cheynne Chong brings this civil complaint against Defendant Credit Control LLC for alleged violations of the Fair Debt Collection Practices Act. ECF No. 1. The matter is now before the Court upon the motion of plaintiff for leave to proceed *in forma pauperis*, or without prepayment of the required filing fees and costs. ECF No. 2. Because plaintiff's motion does not comply with the Local Rules of this Court or the federal statute under which it may be granted, the Court directs plaintiff to file an amended motion or pay the full filing fee. Failure to comply with this Order may result in dismissal of this action.

A court may authorize the commencement or prosecution of a civil action without prepayment of fees if a plaintiff demonstrates he or she "is unable to pay such fees or give security therefor." 28 U.S.C. § 1915(a)(1); *In forma pauperis* status is a matter of privilege, not of right. *Williams v. McKenzie*, 834 F.2d 152, 154 (8th Cir. 1987). A litigant need not show that he is "absolutely destitute," but must demonstrate that, because of his poverty, he is unable to pay litigation costs and also provide for the necessities of life. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948); *see also Lee v. McDonald's Corp.*, 231 F.3d 456, 459 (8th Cir. 2000).

Under the Local Rules of this Court: “An application to proceed in forma pauperis shall be accompanied by a statement of the applicant’s financial information set forth on a form provided by the Court. The Court may require the submission of additional information in a particular case.” E.D. Mo. L.R. 2.05(A).

Here, the Court cannot assess whether plaintiff should be granted *in forma pauperis* status because he has not provided the Court with complete answers to all the form questions. On question 3 of the ‘Application to Proceed in District Court without Prepaying Fees or Costs,’ plaintiff indicates he has received income in the last 12 months from “business, profession, or other self-employment,” but he does not “describe . . . each source of money and state the amount . . . received.” ECF No. 2 at 1. Plaintiff also fails to respond to question 5, regarding whether he owns any assets of value and if so, their approximate value. Without this income and asset information, the Court is unable to determine whether plaintiff should be granted *in forma pauperis* status. Plaintiff must either provide the required financial information on a complete ‘Application to Proceed in District Court without Prepaying Fees or Costs,’ or pay the full filing fee in order for this case to proceed.

Accordingly,

**IT IS HEREBY ORDERED** that the Clerk is directed to send plaintiff a blank ‘Application to Proceed in District Court without Prepaying Fees or Costs’ form.

**IT IS FURTHER ORDERED** that plaintiff must either pay the full filing fee or submit the completed Application in accordance with the instructions set forth herein, within **twenty-one (21) days** of the date of this Order.

**IT IS FURTHER ORDERED** that if plaintiff fails to comply with this Order, the Court will dismiss this action without prejudice and without further notice from the Court.

A handwritten signature in blue ink, reading "Patricia L. Cohen", is positioned above a horizontal line.

PATRICIA L. COHEN  
UNITED STATES MAGISTRATE JUDGE

Dated this 9th day of February, 2023